

#4  
10/520522  
Rec'd PCT/PTO 26 SEP 2005

PATENT  
ATTORNEY DOCKET NO.: 040894-7163

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Kazuo MIYASHITA	)	
	)	
U.S. Application No.: 10/520,522	)	Group Art Unit: Unassigned
	)	
International Appln. Filing Date: July 8, 2003	)	
	)	
Date of National Stage Entry: January 7, 2005	)	Examiner: Unassigned
	)	
For: SYSTEM, METHOD, AND PROGRAM FOR	)	
CREATING PRODUCTION PLAN	)	
	)	
Commissioner of Patents		
MAIL STOP PCT		
Alexandria, VA 22314		

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed July 25, 2005.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

- ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

- ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.
- ☐ Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)

- ☐ Applicant(s) hereby assert small entity status.

5. Fee Calculation

10/04/2005	ATRAH1 00000009 500310 10520522	Basic National Stage Fee: \$300.00		
01 FC:1617	130.00 DA	Number Filed	Number Extra	at a Rate of
02 FC:1618	130.00 DA			
03 FC:1614	600.00 DA			
Total Claims	18-20 =	0	\$50.00 each=	+\$
Independent Claims	7- 3 =	4	\$200.00 each=	+\$600.00
Multiple dependent claim(s), if any			\$360.00	+\$
Missing Requirements Surcharge Fee			\$130.00	\$730.00
Application Size Fee				\$
\$250.00 for each additional 50 sheets that exceeds 100				\$
Application Search Fee			\$500.00	\$
Examination Fee			\$200.00	\$
SUB-TOTAL =				\$730.00
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))			\$130.00	+\$130.00
Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))			\$130.00	+\$130.00
TOTAL FILING FEE =				\$990.00

## 6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

	<u>Total Months Requested</u>	<u>Extension Fee</u>	<u>Extension Fee [Small Entity]</u>
<input type="checkbox"/>	One month	\$120.00	\$60.00
<input type="checkbox"/>	Two months	\$450.00	\$225.00
<input type="checkbox"/>	Three months	\$1,020.00	\$510.00
<input type="checkbox"/>	Four months	\$1,590.00	\$795.00
<input type="checkbox"/>	Five months	\$2,160.00	\$1,080.00

Extension of time fee due with this request: \$\_\_\_\_\_

If an additional extension of time is required, please consider this a Petition therefor.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## 7. Fee Payment

The total fee due is:	Completion Fees	<u>\$990.00</u>
	Assignment Fees	<u>\$40.00</u>
	Total Fee Due	<u>\$1,030.00</u>

- ☒ The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0310.

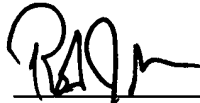
- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.

- ☐ Form PCT/IPEA/409 (English Translation)
- ☒ Preliminary Amendment
- ☐ PCT/IB/338 English translation of the International preliminary Examination Report
- ☒ Information Disclosure Statement
- ☒ Form PTO-1449, 2 documents as listed
- ☒ Submission of Replacement Drawings
- ☒ 8 sheets, 10 figures

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



Robert J. Goodell Reg. No. 41,040

Date: September 26, 2005  
Customer No. 09629  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/520,522	Kazuo Miyashita	040894-1763

INTERNATIONAL APPLICATION NO.
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PCT/JP03/08649

LA. FILING DATE	PRIORITY DATE
07/08/2003	07/09/2002

9629

MORGAN LEWIS & BOCKIUS LLP  
 1111 PENNSYLVANIA AVENUE NW  
 WASHINGTON, DC 20004

*7/27/05*  
*40894-1763*  
*September 25, 2005*  
*Missing Requirements*  
*By GID*

CONFIRMATION NO. 9262

371 FORMALITIES LETTER



\*OC000000016603160\*

Date Mailed: 07/25/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/07/2005
- English Translation of the IA filed on 01/07/2005
- Copy of the International Search Report filed on 01/07/2005
- U.S. Basic National Fees filed on 01/07/2005
- Priority Documents filed on 01/07/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$1010** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Translation of the application into English. The current translation of the application into English is defective as described below. Note a processing fee will be required if submitted later than 30 months from the priority date.
  - The text in the drawings has not been properly translated.
- Processing fee for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(f)).

RECEIVED

Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

JUL 27 2005

MORGAN, LEWIS &amp; BOCKIUS LLP

- **\$130** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$1270** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- **\$130** for English translation surcharge required.
- Total additional claim fee(s) for this application is **\$ 1010**
  - **\$600** for 3 independent claims over 3.
  - **\$50** for 1 total claims over 20.
  - **\$360** for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/520,522	PCT/JP03/08649	040894-1763

~~Rec'd PCT/PTO~~ 26 SEP 2005

**PATENT**

ATTORNEY DOCKET NO.: 040894-7163

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Kazuo MIYASHITA

Application No.: 10/520,522

Examiner: Unassigned

Filed: January 7, 2005

Group Art Unit: Unassigned

For: SYSTEM, METHOD, AND PROGRAM FOR  
CREATING PRODUCTION PLAN

Commissioner for Patents  
Alexandria, VA 22314


**SUBMISSION OF REPLACEMENT DRAWINGS**

Filed herewith are 8 replacement sheets of drawings containing 10 Figures. These replacement sheets of drawings are submitted to improve the form of the drawings. It is requested that these drawings be approved and made part of the official record in the above-identified patent application.

If there are any fees due in connection with the filing of these drawings, please charge the fees to our Deposit Account No. 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By: 

Robert J. Goodell, Reg. No. 41,040

Dated: September 26, 2005

**MORGAN, LEWIS & BOCKIUS LLP**  
Customer No. 009629